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ABSTRACT

Appointed by the President, the fifteen Indian and Alaska Native members of the National Advisory Council on Indian Education (NACIE) are charged by law to advise the Congress and the Commissioner of Education in a number of areas concerning the administration of programs in which Indian children and adults participate and to submit an Annual Report to the Congress. In the Sixth Annual Report seven recommendations are brought to the attention of Congress. The first three deal with NACIE's concern with the changeover to the newly-created Department of Education. NACIE recommends that (1) the organizational structure of the Office of Indian Education remain a distinct and separate organizational entity within the Department of Education, (2) that Indian Educational Programs contained in Title IV of P.L. 92-318 remain separate and distinct programs, and (3) that NACIE remain in tact and continue its advisory duties. Recommendations also are made for funding tribally controlled Community colleges and for a study to investigate the utilization of a telecommunication Satellite for Indian education related programs. The final recommendations deal with NACIE itself: that appointments be done within three months after a position is vacated and that the annual report be submitted on September 30 of each year rather than March 31. Included is a state-by-state accounting of the distribution of Title IV funding and the Indian Fellowships for FY 1978 managed by the Office of Indian Education. (DS)

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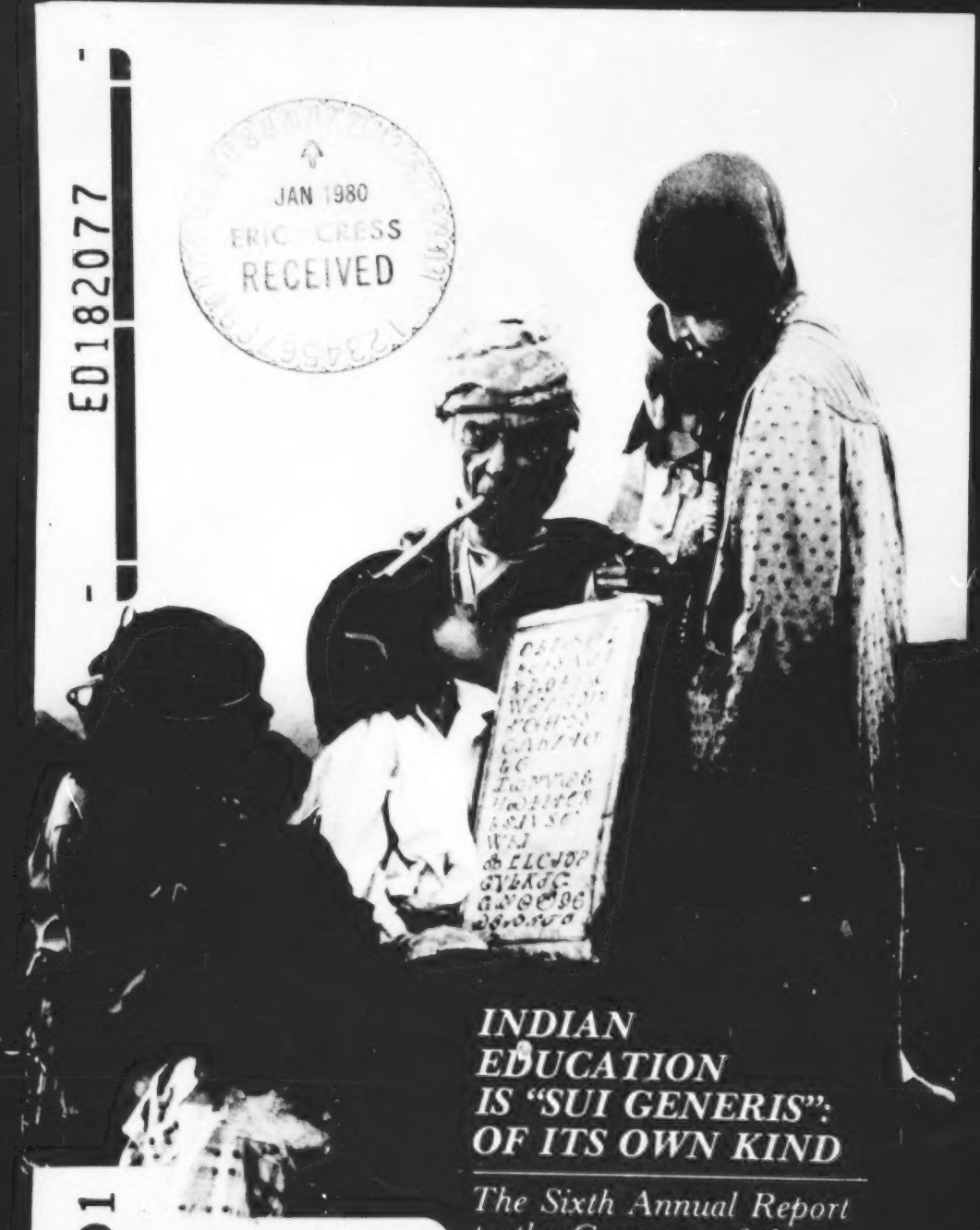

INDIAN EDUCATION IS "SUI GENERIS": OF ITS OWN KIND

The Sixth Annual Report to the Congress of the United States

National Advisory Council on Indian Education

June 1979 Washington, D.C.

RC 01 1801

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Ms. Viola G. Peterson, (Miami), Chairperson of
The National Advisory Council on Indian Education

June 1979

To the Congress of the United States

The National Advisory Council on Indian Education is pleased to submit this *Sixth Annual Report to the Congress of the United States* in compliance with our Congressional mandate, P.L. 92–318, as amended by P.L. 95–561.

The calendar year 1978 may be viewed as one of rapid change. This is reflected both by actions taken by the United States Congress and those taken by the National Advisory Council on Indian Education during the past year. With regard to the Congress, we have witnessed the creation of a new Cabinet Department of Education. The establishment of this new Department affects directly all Indian educational programs located formerly within the Office of Indian Education at the United States Office of Education, since these programs will be transferred to the Department of Education. The National Advisory Council on Indian Education has gone through a series of changes during the year, including the retirement of several members of our Council, and the addition of new Council members. Also, the former Executive Director of the National Advisory Council on Indian Education, Mr. Stuart A. Tonemah, has retired from that position, and a new Executive Director was selected for his replacement.

Though there have been many changes, either proposed or enacted, the National Advisory Council on Indian Education would like to continue to transmit to the United States Congress their strong desire that Indian education programs continue to meet the special educational and cultural needs of Indian children throughout the United States. This intent is reflected in the theme of the Sixth Annual Report to the Congress of the United States, which is, *Indian Education is Sui Generis: Of its own kind.* In developing this theme for the Sixth Annual Report, the Annual Report Committee of the National Advisory Council on Indian Education would like to once again call the attention of the Congress to our sincere belief that the education of Indian children requires a special effort over and above that provided non-Indian children who attend schools within the United States. These

complex special educational and cultural needs require an organizational structure, and educational programs within the new Cabinet Department of Education which will ensure that these needs are met. Our one overriding goal is to ensure the provision of a "Quality Education" for all Indian children within the United States.

Respectfully submitted,

Viola G. Peterson

Ms. VIOLA G. PETERSON
NACIE Chairperson

FOREWORD

The National Advisory Council on Indian Education has had the honor of submitting five Annual Reports to the United States Congress during its relatively brief lifespan. Throughout its history, the organization has received praise and criticism, support and derision, reflective of the paradoxes found in life itself. Still, the organization has survived in an often hostile environment, and in 1979, remains the only governmental organization specifically charged with the responsibility of advising the Congress and the Secretary of Education regarding educational programs which affect the lives of Indian children and adults throughout the United States. The expectations held by many for our organization are substantial, as is the scope of our Congressional mandate in P.L. 92–318. We have not been able to meet all of the expectations which the Congress, the Administration and the Indian community have held for us. We have tried. In past years, three distinguished Indian educators have served in the position of Executive Director, and one has served in the position of Acting Executive Director of the National Advisory Council on Indian Education: Mr. Dwight Billedeaux, Blackfeet; Mr. Lincoln White, Mohawk; Mr. Stuart Tonemah, Kiowa/Comanche; and Mr. Dorrance Steele, Sioux. Only now do I appreciate fully their commitment and effort expended on behalf of Indian children. Only now do I have the perspective and the confidence to state that our organization should survive. In the past six months, our Council has worked closely with all the National Indian Organizations in a concerted effort to protect Indian educational programs located within the Bureau of Indian Affairs. In the coming year, our Council will confront our primary responsibility to the Congress, namely, the review of the administration of Indian educational programs located in the Office of Indian Education, which will be transferred in the near future to the new Cabinet Department of Education. This is not a small task, especially with the scarce resources with which we have been provided. However, we are determined to fulfill our duties, both to the Congress, and to Indian children. We may not accomplish all of our goals; we may not meet all of the expecta-

tions held for us throughout the United States; but, we will continue to try.

DR. MICHAEL P. DOSS, Crow
Executive Director

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INTRODUCTION

The National Advisory Council on Indian Education was created by the Congress by P.L. 92–318, on June 23, 1972, and is composed of fifteen members who are Indians and Alaskan Natives appointed by the President of the United States. It is charged by law to advise the Congress and the Commissioner of Education in several areas concerning the administration of programs in which Indian children and adults participate, and to submit an Annual Report to the Congress. Now that the Cabinet Department of Education has been created, the Council must report to the new Secretary of Education, rather the former Commissioner of Education at the old Office of Education. It is important to understand that the National Advisory Council on Indian Education is not a policy making board, but serves in an advisory capacity only. The reader is directed to Appendix A for a complete list of the functions of the National Advisory Council on Indian Education. On November 1, 1978, via P.L. 95–561, the Congress extended the life of the National Advisory Council on Indian Education through October 1, 1983. The following *Sixth Annual Report to the Congress of the United States* is comprised of three parts. Part One contains our final recommendations to The United States Congress and the Secretary of Education. It should be noted that this report contains Council recommendations approved during calendar year 1978. The first three recommendations, however, are current and reflect Council advice relative to the recently established Cabinet Department of Education. Part Two contains a State by State Distribution of all funds obligated by Title IV of P.L. 92–318 during fiscal year 1978. Part Three contains a discussion of the major activities of our Council during the past year.

PART I

Final Recommendations to the United States Congress and the Secretary of Education

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There has been much discourse regarding the provision of education to Indian children throughout the United States. During the debate it has been implied by some that "Indian Education" should strive toward the goal of equality with non-Indian education in the United States. However, it is our contention that the goal of equality of educational opportunity, taken alone, is insufficient to meet the special educational and cultural needs of our Indian children. We feel that it is extremely important that the Government at all levels—the President, the Congress, the new Secretary of Education, Federal Educational Program Administrators, School administrators, and Teachers—join us in our sincere belief that *Indian Education is "Sui Generis": Of Its Own Kind.*

Our recommendations are based on seven concerns which the Council selected to bring to the attention of the Congress and the Secretary of Education. Clearly, the first two concerns are related directly to our philosophy of Indian Education stated above:

1. A concern that the current organizational structure of the Office of Indian Education remain a distinct and separate organizational entity within the newly created Department of Education.

The National Advisory Council on Indian Education asserts strongly that the education of Indian children throughout the United States is of its own kind. In making this statement, we do not imply that we are seeking a quality of education for our children which is better than that offered to non-Indian children throughout the United States, but we want to insure that the special educational and cultural needs of Indian children receive an adequate response from those agencies of the Federal Government which are charged with the responsibility for the delivery of such services. The newly created Department of Education will contain the Office of Indian Education programs now located within the Office of Education, at the Department of Health, Education, and Welfare. Our Council feels strongly that it is a responsibility of the Congress and the Secretary of Education to insure that the new organizational structure within the Department of Education, charged with the responsibility of educating Indian children throughout the United States, remain a distinct and separate entity responsive to the special educational and cultural needs of Indian children, and that its administrator report directly to the new Secretary of Education.

The National Advisory Council on Indian Education will stand ready to work with the Congress of the United States, the Secretary of Education, and the Office of Management and Budget, to provide our advice regarding the most effective type of organizational structure needed to address the special educational and cultural needs of Indian children.

We recommend to the Congress of the United States and the Secretary of Education that the organizational structure of the Office of Indian Education remain a distinct and separate organizational entity within the new Department of Education, and that its administrator report directly to the Secretary of Education, in order that it may implement effectively Indian educational programs under Title IV of P.L. 92–318, as amended by P.L. 95–561, designed to meet the special educational and cultural needs of Indian children and adults throughout the United States.

2. A concern that the Indian Educational Programs contained in Title IV of P.L. 92–318, as amended by P.L. 95–561, remain separate and distinct programs designed to meet the special educational and cultural needs of Indian children within the new Department of Education.

The National Advisory Council on Indian Education looks forward to the opportunity to work closely with the Congress of the United States, the Secretary of Education, and other governmental organizations to insure that all programs administered under Title IV of the Indian Education Act, presently managed by the Office of Indian Education, be transferred intact to the new Department of Education. We agree fully with the following Senate Committee Report, which established the Office of Indian Education, that separate and distinct Indian educational programs, managed by professional Indian educators, will continue to provide the most effective administration of Indian educational programs:

> "This Committee believes that in the past the Office of Education has not recognized that priorities needed in Indian education and has failed to keep adequate data in this field. Furthermore, evaluation of programs funded by OE and dissemination of program information has likewise proved inadequate. It is believed that the centralization of authority and responsibility in a new Bureau will go towards remedying these past inadequacies."

(S.REP. NO. 346, 92nd Cong., 1st Sess. 102(1971))

We recommend to the Congress of the United States and the Secretary of Education that all Indian educational programs contained in Title IV of P.L. 92–318, be transferred intact to the Department of Education and that they remain separate and distinct programs designed to meet the special educational and cultural needs of Indian children and adults throughout the United States.

3. A concern that the National Advisory Council on Indian Education continue to advise both the Congress and the new Secretary of Education as mandated by P.L. 92–318, Part D, Section 442.

The National Advisory Council on Indian Education must continue to advise both the Congress and the new Secretary of Education regarding the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, including all additional functions of the Council identified in P.L. 92–318, Part D, Section 442. Now that the new Department of Education has been created, the National Advisory Council on Indian Education must advise the new Secretary of Education, rather than the Commissioner of Education, as reflected in the new organizational chart of the Department of Education.

We recommend to the Congress of the United States that the National Advisory Council on Indian Education remain intact, and continue to advise both the Congress and the new Secretary of Education as mandated by P.L. 92–318, Part D, Section 442.

4. A concern that Federal funds be made available to implement fully P.L. 95–471, the Tribally Controlled Community College Assistance Act of 1978.

This past year the Congress of the United States approved P.L. 95–471, the "Tribally Controlled Community College Assistance Act of 1978." The Act authorized to be appropriated the amount of $25,000,000 for each of the fiscal years beginning October 1, 1979, and October 1, 1980, and $30,000,000 for the fiscal year beginning October 1, 1981, to aid in the post-secondary education of Indian students by providing grants to the general operating funds of the institutions to defray the expense of activities related to education programs for Indian students. In addition, the Act authorized to be appropriated $3,200,000 for each of the three fiscal years for the provision of technical assistance to the Tribally Controlled Community Colleges.

The National Advisory Council on Indian Education supports strongly the full appropriation of funds identified in the Act, which are vitally important to service the post-secondary educational needs of Indian students residing on or adjacent to the Indian reservations.

The Act also provided for a survey of existing and planned physical facilities of Tribally Controlled Community Colleges. The results of a detailed survey and study of the academic facilities needs of Tribally Controlled Community Colleges will be reported to the Congress by November 1, 1979.

Our Council feels strongly that Indian human resources are our most important resource. The Tribally Controlled Community Colleges offer significant promise toward the development of Indian human resources to meet the many problems and challenges faced by all Indian tribes in the coming decade. It is imperative that the Congress assist the Tribally Controlled Community Colleges by the provision of funds crucial to their development.

We recommend to the Congress of the United States that full funding be made available immediately for the implementation of P.L. 95–471, The Tribally Controlled Community Colleges Act of 1978.

5. A concern that communications systems available to Indian and Alaskan Natives in the area of education are inadequate at present and that a study of satellite communications for use by our communities is needed.

At the meeting of the National Advisory Council on Indian Education in Billings, Montana, on May 20, 1978, the Council voted unanimously to endorse the concept of a Joint American Indian Telecommunications Satellite Demonstration Project as presented by Mr. Sam WindyBoy, an Educational Specialist at the Little Big Horn Community College, serving the Crow Indian Tribe at Crow Agency, Montana. The National Advisory Council on Indian Education supports strongly the development of the concept of an American Indian Telecommunications Satellite for utilization in a field of Indian education. The American Indian Telecommunications Satellite Demonstration Project, managed by Mr. WindyBoy, was highly successful evidence that telecommunications are the wave of the future. We therefore support the funding of a study of the feasibility of establishing a permanent American Indian Telecommunications Satellite Project for utilization in the field of Indian education.

We recommend to the Congress of the United States and the Secretary of

Education that a study of the utilization of a Telecommunications Satellite for Indian education related programs be undertaken at the earliest possible time.

6. A concern that all future appointments to the National Advisory Council on Indian Education be made within three months following a Council vacancy.

The functioning of the National Advisory Council on Indian Education has been hampered by late appointments of new Council members to our Council in replacement of retiring members of the National Advisory Council on Indian Education. At least two problems are generated by the lack of timely appointments, including, (1) the full NACIE Council is forced to conduct business with less than the full Council membership; and (2) the individual appointment term of each Council member may be reduced by six months or more by an appointment which occurs many months into their actual term of office. In order to remedy these two problems it is recommended highly that the Secretary of Education act to insure newly appointed Council members receive their appointments within three months after a Council vacancy occurs. This will greatly improve the organizational functioning of the National Advisory Council on Indian Education by insuring that a full complement of Council members are present at all future Council meetings.

We recommend to the Secretary of Education that all future appointees to the National Advisory Council on Indian Education be appointed within three months after the time that a Council member position has been vacated, in order to insure the effective functioning of the full Council, and that the individual Council members' term of office may be maximized.

7. A concern that the National Advisory Council on Indian Education report to Congress on September 30th of each year regarding its activities rather than March 31st.

The National Advisory Council on Indian Education has been required by the Congress to submit its Annual Report not later than March 31st of each year with regard to activities conducted during the previous calendar year (SEE: Appendix B). However, since our Council follows the fiscal year calendar for all other purposes, it is our feeling that the Annual Report should be based upon the preceding fiscal year. This would improve the value of the Annual Report to the Congress by making it a more current document.

We recommend to the Congress of the United States that the Annual Report of the National Advisory Council on Indian Education reflect activities of our Council conducted during the previous fiscal year, and that the Report be submitted to the Congress of the United States not later than September 30th of each year.

In Part II, which follows, a State by State Distribution of funds obligated by Title IV, Parts A, A (Non-LEA), B, C, and the Indian Fellowship Program during FY 1978, is provided for the purpose of identifying the amount of funds received by each State.

PART II

A State by State Distribution of Title IV Funding for Parts A, A (Non-LEA), B, C, and the Indian Fellowships Fiscal Year 1978

(Page 10 - a blank page)

The following sections include a State by State Distribution of Funds to Title IV Grantees in Parts A, A (Non-LEA), B, C, and the Indian Fellowships for Fiscal Year 1978, managed by the Office of Indian Education, within the U.S. Office of Education. All data identified below are based upon the records of the Office of Indian Education at the U.S. Office of Education, and represent approximate estimates only. Below, five tables are presented for the purpose of demonstrating where the funds for each particular Part of Title IV were allocated, and the percentage of that allocation of the total amount distributed. It is also very important to note the difference between the amount of funds entitled or the amount of funds requested, and the amount actually granted. It will be obvious that in each case the total entitlement or request far exceeded the monies available in Fiscal Year 1978. Now, we will turn to a discussion of the Title IV-Part A program.

A. TITLE IV-PART A FUNDING IN FY 1978: THE LOCAL EDUCATIONAL AGENCIES

First, it is appropriate that we describe briefly the Part A program. Generally, it is a grant entitlement program to Local Educational Agencies (LEA's), comprised of both public and tribal schools. The amount of grant award is determined by the total number of Indian students enrolled. The reader is directed to Appendix B, which contains the Act itself.

Table 1, on the following page, represents a State by State Distribution of Title IV-Part A funding for FY 1978. The "Amount Entitled" to each State was compiled from the list of those 1136 school districts who both applied and were entitled to Part A funds. Those Local Educational Agencies who did not apply, but who were eligible, were not included in this column. If all 2992 eligible applicants had applied, the full entitlement would have amounted to approximately, $623,990,287.12, rather than the $454,962,136.43, as identified in column two. As indicated in column three, "Amount Granted," the total Title IV allocation was in the amount of $35,250,448.43. In column four, "% of Total," we find that five States received 58.14% of the total, or $20,498,868.72:

The remaining forty-five States received 41.86% of the funds totalling $14,751,579.71.

State	*Funds Obligated*	*% of Total*
1. Oklahoma	$ 6,310,973.44	17.90%
2. California	$ 4,535,399.04	12.87%

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State	Funds Obligated	% of Total
3. Alaska	$ 3,919,248.64	11.11%
4. Arizona	$ 3,137,228.50	8.90%
5. Michigan	$ 2,596,019.10	7.36%
TOTAL	$20,498,868.72	58.14%

TABLE I
STATE BY STATE DISTRIBUTION OF TITLE IV PART A FUNDS:
LOCAL EDUCATIONAL AGENCIES
FISCAL YEAR 1978

State	Applications Received	Amount Entitled	Applications Approved	Funds Obligated	% of Total
Alabama	5	$ 1,630,992.51	5	$ 126,612.03	.36%
Alaska	40	50,487,018.19	40	3,919,248.64	11.11%
Arizona	52	40,413,183.81	51	3,137,228.50	8.90%
Arkansas	1	286,300.56	1	22,225.18	.06%
California	162	58,373,336.34	153	4,535,399.04	12.87%
Colorado	10	2,400,853.80	9	186,375.45	.53%
Connecticut	4	252,322.95	3	19,587.52	.06%
Delaware	1	85,216.05	1	6,615.22	.02%
Florida	5	683,861.55	5	53,087.36	.15%
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	10	2,105,172.72	10	163,422.08	.46%
Illinois	3	1,792,112.40	2	139,119.60	.39%
Indiana	3	40,982.92	1	3,181.45	.01%
Iowa	4	1,106,647.57	4	85,907.75	.24%
Kansas	9	1,843,411.50	7	143,101.86	.41%
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	7	4,738,582.38	7	367,850.65	1.04%
Maine	10	815,489.20	10	63,305.44	.18%
Maryland	5	2,385,883.84	5	185,213.38	.53%
Massachusetts	3	899,546.37	3	69,830.73	.20%
Michigan	123	33,441,432.36	120	2,596,019.10	7.36%
Minnesota	56	17,240,706.08	56	1,338,375.81	3.80%
Mississippi	1	39,344.85	1	3,054.29	.01%
Missouri	1	33,382.16	1	2,591.41	.01%
Montana	43	14,756,952.28	43	1,145,564.91	3.25%
Nebraska	11	2,159,393.52	11	167,631.17	.48%
Nevada	12	3,819,383.40	12	296,494.27	.84%
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	1	111,517.67	1	8,656.98	.02%
New Mexico	19	27,853,650.15	19	2,162,246.59	6.13%
New York	15	12,704,968.66	15	986,271.96	2.80%
North Carolina	26	16,767,298.67	25	1,301,625.87	3.69%
North Dakota	18	4,799,111.64	18	372,549.39	1.06%
Ohio	4	2,048,594.82	4	159,030.03	.45%
Oklahoma	268	82,057,522.20	257	6,310,973.44	17.90%
Oregon	29	9,225,697.68	28	703,560.10	2.00%
Pennsylvania	2	64,381.60	1	4,997.86	.01%
Rhode Island	1	82,754.46	1	6,424.12	.02%
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	30	11,738,321.22	30	911,232.13	2.59%
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	4	1,065,847.02	4	82,740.46	.23%

TABLE I—Continued
STATE BY STATE DISTRIBUTION OF TITLE IV PART A FUNDS: LOCAL EDUCATIONAL AGENCIES FISCAL YEAR 1978

State	Applications Received	Amount Entitled	Applications Approved	Funds Obligated	% of Total
Utah	15	4,771,113.03	15	370,375.91	1.05%
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	3	304,495.80	3	23,637.64	.07%
Washington	78	27,427,174.50	77	2,129,139.48	6.04%
Washington, D.C.	-0-	-0-	-0-	-0-	-0-
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	36	10,285,557.99	36	798,455.78	2.27%
Wyoming	6	1,822,620.01	6	141,487.85	.40%
Total	1,136	$454,962,136.43	1,101	$35,250,448.43	100%

B. TITLE IV-PART A FUNDING IN FY 1978: INDIAN CONTROLLED SCHOOLS (NON-LEA's)

It is important that a distinction be made between the funds awarded to the public schools and other local educational agencies, and the Indian controlled schools, known also as the Non-LEA's. One significant difference is that these grants are awarded on a competitive basis, rather than as a direct entitlement.

Table 2, on the following page, represents a State by State Distribution of Title IV-Part A funds awarded to the Indian Controlled Schools (Non-LEA's), in FY 1978. In column two, it is seen that 39 proposals were submitted, with a total request in the amount of $6,213,245.00. As indicated in column three, 28 proposals were funded last year. The total amount of funds obligated were $3,455,063.00, as shown in column four. In column five, "% of Total," we find that five states received 71.98% of the total, or, $2,487,101.00:

State	Funds Obligated	% of Total
1. New Mexico	$ 722,800	20.92%
2. Montana	$ 685,652	19.84%
3. Arizona	$ 563,484	16.31%
4. South Dakota	$ 322,067	9.32%
5. Washington	$ 193,098	5.59%
TOTAL	$2,487,101	71.98%

The remaining forty-five States and the District of Columbia received 28.02% of the funds totalling $967,962.00.

TABLE 2
STATE BY STATE DISTRIBUTION OF TITLE IV-PART A FUNDS
INDIAN CONTROLLED SCHOOLS (NON-LEA's)
FISCAL YEAR 1978

State	*Proposals Submitted*	*Funds Requested*	*Proposals Funded*	*Funds Obligated*	*% of Total*
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	-0-	-0-	-0-	-0-	-0-
Arizona	4	$ 681,392	4	$ 563,484	16.31%
Arkansas	-0-	-0-	-0-	-0-	-0-
California	-0-	-0-	-0-	-0-	-0-
Colorado	-0-	-0-	-0-	-0-	-0-
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
Florida	1	97,402	1	97,402	2.82%
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	1	239,280	1	188,098	5.44%
Illinois	-0-	-0-	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	-0-	-0-	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-	-0-	-0-
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	-0-	-0-	-0-	-0-	-0-
Michigan	1	110,000	1	110,000	3.18%
Minnesota	4	603,223	1	100,730	2.92%
Mississippi	1	136,000	-0-	-0-	-0-
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	9	1,336,040	5	685,652	19.84%
Nebraska	-0-	-0-	-0-	-0-	-0-
Nevada	1	123,903	1	73,083	2.12%
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	6	1,015,762	5	722,800	20.92%
New York	-0-	-0-	-0-	-0-	-0-
North Carolina	-0-	-0-	-0-	-0-	-0-
North Dakota	2	475,092	2	163,134	4.72%
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	1	214,740	-0-	-0-	-0-
Oregon	-0-	-0-	-0-	-0-	-0-
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	-0-	-0-	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	3	424,627	3	322,067	9.32%
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	-0-	-0-	-0-	-0-	-0-
Utah	-0-	-0-	-0-	-0-	-0-
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	2	394,215	2	193,098	5.59%
Washington, D.C.	-0-	-0-	-0-	-0-	-0-
Wisconsin	2	223,166	1	102,385	2.96%
Wyoming	1	138,493	1	133,130	3.85%
Totals	39	$6,213,245	28	$3,455,063	100.00%

C. TITLE IV-PART B FUNDING IN FY 1978

Again, it is appropriate that we describe briefly the Part B program. Generally, it is a discretionary grant program to State and Local Educational Agencies, Federally supported elementary and secondary schools for Indian children, and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects designed to improve educational opportunities for Indian children. The grants are awarded on a competitive basis following a thorough review by several Indian review panels. The reader is directed to Appendix B, which contains Part B of the Act itself.

Table 3, on the following page, represents a State by State Distribution of Title IV-Part B funding for FY 1978. In column one, it is seen that 368 proposals were submitted, with a total request for funds in the amount of $54,850,003.00, as identified in column two. In FY 1978, 74 proposals were funded for a total of $13,079,096.00, as identified in column five. In column six, "% of Total," one finds that five States received 54.91% of the funds for a total of $7,183,294.00:

State	*Funds Obligated*	*% of Total*
1. Arizona	$1,737,270	13.28%
2. Washington	$1,574,802	12.04%
3. New Mexico	$1,428,556	10.92%
4. Montana	$1,254,675	9.59%
5. Minnesota	$1,187,991	9.08%
TOTAL	$7,183,294	54.91%

The remaining forty-five States received 45.09% of the funds totalling $5,895,802.00.

TABLE 3
STATE BY STATE DISTRIBUTION OF TITLE IV-PART B FUNDS
FISCAL YEAR 1978

State	*Proposals Submitted*	*Funds Requested*	*Proposals Funded*	*Funds Obligated*	*% of Total*
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	15	$ 2,715,910	2	$ 294,942	2.26%
Arizona	38	5,050,005	9	1,737,270	13.28%
Arkansas	-0-	-0-	-0-	-0-	-0-
California	31	4,809,843	6	730,739	5.59%
Colorado	7	1,021,938	2	459,576	3.51%
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
Florida	1	30,059	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	1	74,086	-0-	-0-	-0-
Idaho	5	427,022	1	121,130	.93%
Illinois	4	257,132	-0-	-0-	-0-
Indiana	1	116,415	-0-	-0-	-0-
Iowa	1	103,850	-0-	-0-	-0-
Kansas	5	395,940	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	2	76,293	-0-	-0-	-0-
Maine	1	214,055	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	3	1,190,762	1	114,000	.87%
Michigan	12	1,139,563	2	295,525	2.26%
Minnesota	19	4,216,502	7	1,187,991	9.08%
Mississippi	4	588,021	1	135,000	1.03%
Missouri	1	39,484	-0-	-0-	-0-
Montana	22	4,296,037	7	1,254,675	9.59%
Nebraska	2	237,615	-0-	-0-	-0-
Nevada	8	721,283	-0-	-0-	-0-
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	1	45,857	-0-	-0-	-0-
New Mexico	22	4,056,205	7	1,428,556	10.92%
New York	5	748,794	-0-	-0-	-0-
North Carolina	6	651,850	1	210,298	1.61%
North Dakota	14	3,714,255	1	332,408	2.54%
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	50	6,812,556	6	1,131,861	8.65%
Oregon	9	1,180,018	2	208,520	1.59%
Pennsylvania	1	194,266	1	192,395	1.47%
Rhode Island	1	58,174	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	20	2,075,367	2	291,208	2.23%
Tennessee	1	138,484	-0-	-0-	-0-
Texas	3	528,829	1	332,544	2.54%
Utah	5	517,040	1	87,358	.68%
Vermont	1	47,406	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	28	4,041,032	8	1,574,802	12.04%
Washington, D.C.	3	378,062	-0-	-0-	-0-
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	15	1,939,993	6	958,298	7.33%
Wyoming	-0-	-0-	-0-	-0-	-0-
Totals	368	$54,850,003	74	$13,079,096	100.00%

D. TITLE IV-PART C FUNDING IN FY 1978

The Part C programs consist of discretionary grants awarded on a competitive basis to State and Local Educational Agencies, and to Indian tribes, organizations, and institutions to provide education for Indian adults. The reader is directed to Appendix B, which contains Part C of the Act itself.

Table 4, on the following page, represents a State by State Distribution of Title IV-Part C funding for FY 1978. In column one, it is seen that 155 proposals were submitted, with a total request for funds in the amount of $24,186,896.00, as identified in column two. In FY 1978, 44 proposals were funded for a total of $4,410,188.00, as identified in column five. In column six, "% of Total," one finds that five States received 55.15% of the funds for a total of $2,432,642.00:

State	*Funds Obligated*	*% of Total*
1. Washington	$ 642,476	14.57%
2. Minnesota	$ 517,987	11.74%
3. Mississippi	$ 490,742	11.13%
4. Oklahoma	$ 438,115	9.93%
5. New Mexico	$ 343,322	7.78%
TOTAL	$2,432,642	55.15%

The remaining forty-five States received 44.85% of the funds totalling $1,977,666.00.

E. TITLE IV-INDIAN FELLOWSHIPS FUNDING IN FY 1978

The Indian Fellowship Program was authorized by the Amendments of 1974 to P.L. 92–318, the Indian Education Act. The program was created by the Congress for the purpose of preparing Indians for professions in which they traditionally have been underrepresented. The five areas in which fellowships were available in FY 1978 included: (1) Business (or a related field); (2) Engineering; (3) Forestry (or a related field); (4) Law; and (5) Medicine (or a related field). The reader is directed to Appendix C, which contains the Indian Fellowship Amendment.

TABLE 4
STATE BY STATE DISTRIBUTION OF TITLE IV-PART C FUNDS
FISCAL YEAR 1978

State	*Proposals Submitted*	*Funds Requested*	*Proposals Funded*	*Funds Obligated*	*% of Total*
Alabama	1	$ 76,782	-0-	-0-	-0-
Alaska	6	863,476	-0-	-0-	-0-
Arizona	10	1,341,874	2	174,414	3.95%
Arkansas	-0-	-0-	-0-	-0-	-0-
California	15	1,231,146	4	304,648	6.91%
Colorado	3	7,522,842	-0-	-0-	-0-
Connecticut	2	22,381	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
Florida	1	119,972	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	-0-	-0-	-0-	-0-	-0-
Illinois	1	123,976	1	123,976	2.81%
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	2	94,800	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	2	147,097	2	135,071	3.06%
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	2	189,187	-0-	-0-	-0-
Massachusetts	1	114,839	1	116,868	2.65%
Michigan	3	204,675	1	58,872	1.33%
Minnesota	6	683,752	4	517,897	11.74%
Mississippi	3	1,059,684	3	490,742	11.13%
Missouri	1	68,030	-0-	-0-	-0-
Montana	5	441,192	3	251,634	5.71%
Nebraska	-0-	-0-	-0-	-0-	-0-
Nevada	3	168,580	-0-	-0-	-0-
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	8	755,802	3	343,322	7.78%
New York	4	317,755	2	170,798	3.87%
North Carolina	6	446,287	2	175,646	3.98%
North Dakota	2	149,339	-0-	-0-	-0-
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	28	2,942,974	5	438,115	9.93%
Oregon	4	343,915	-0-	-0-	-0-
Pennsylvania	1	43,300	-0-	-0-	-0-
Rhode Island	1	80,405	1	71,710	1.63%
South Carolina	1	69,330	1	58,807	1.33%
South Dakota	7	618,199	2	167,799	3.80%
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	2	146,899	1	99,751	2.26%
Utah	4	1,539,959	-0-	-0-	-0-
Vermont	1	46,235	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	15	1,746,866	5	642,476	14.57%
Washington, D.C.	-0-	-0-	-0-	-0-	-0-
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	2	176,423	-0-	-0-	-0-
Wyoming	2	288,923	1	67,642	1.53%
Totals	155	$24,186,896	44	$4,410,188	100.00%

Table 5, on the following page, represents a State by State Distribution of all Indian Fellowships awarded in FY 1978. In column one, we note that 238 Indian students participated in the Fellowship Program last year, with a total request for funds in the amount of $1,214,385.00, as identified in column two. In column three, "% of Total," one finds that five states received 57.70% of all funds for a total of $700,631.00:

State	*Funds Obligated*	*% of Total*
1. Oklahoma	$308,987	25.44%
2. California	$143,373	11.81%
3. North Carolina	$104,190	8.58%
4. New Mexico	$ 86,180	7.10%
5. Washington	$ 57,901	4.77%
Total	$700,631	57.70%

The highest percentage of funds, 30.15%, was awarded to fifty-six students for the study of Medicine, or a related field, for a total expenditure of $366,117.00. The second highest percentage of funds, 25.95%, was awarded to seventy-one Law students, for a total expenditure of $315,144.00. The third highest percentage of funds, 19.80%, was awarded to forty-nine Engineering students, for a total expenditure of $240,542.00. The fourth highest percentage of funds, 18.99%, was awarded to fifty-one students in Business, or a related field, for a total expenditure of $230,634.00. Last, the fifth highest percentage of funds, 5.10%, was awarded to twelve students for the study of Forestry, or a related field, for a total expenditure of $61,948.00:

Area of Study	*Students*	*Funds Obligated*	*% of Total*
1. Medicine	56	$ 366,117	30.15%
2. Law	77	$ 315,144	25.95%
3. Engineering	48	$ 240,542	19.80%
4. Business	51	$ 230,634	18.99%
5. Forestry	12	$ 61,948	5.10%
Total	238	$1,214,385	100.00%

The Indian Fellowship Program is proving to be a highly productive program in the development of Indian human resources.

In Part III, a summary of the following major activities of the National Advisory Council on Indian Education which occurred in FY 1978, will be presented: (1) Full Council Meetings; (2) Committee Meetings and (3) On-site Visitations. This Part will conclude with a description of our financial constraints in FY 1978.

TABLE 5
STATE BY STATE DISTRIBUTION OF INDIAN FELLOWSHIPS
FISCAL YEAR 1978

State	*Fellowships Funded*	*Funds Obligated*	*% of Total*
Alabama	1	$ 5,475	.45%
Alaska	1	5,684	.47%
Arizona	7	34,485	2.84%
Arkansas	-0-	-0-	-0-
California	25	143,373	11.81%
Colorado	8	53,897	4.44%
Connecticut	1	6,880	.57%
Delaware	-0-	-0-	-0-
Florida	3	18,424	1.52%
Georgia	1	3,833	.32%
Hawaii	-0-	-0-	-0-
Idaho	2	10,875	.90%
Illinois	-0-	-0-	-0-
Indiana	-0-	-0-	-0-
Iowa	-0-	-0-	-0-
Kansas	1	3,188	.26%
Kentucky	1	5,715	.47%
Louisiana	-0-	-0-	-0-
Maine	-0-	-0-	-0-
Maryland	-0-	-0-	-0-
Massachusetts	6	48,017	3.95%
Michigan	7	44,803	3.69%
Minnesota	2	14,622	1.20%
Mississippi	2	8,394	.69%
Missouri	-0-	-0-	-0-
Montana	1	4,081	.34%
Nebraska	3	10,164	.84%
New Hampshire	-0-	-0-	-0-
New Jersey	1	4,570	.38%
New Mexico	23	86,180	7.10%
New York	7	36,425	3.00%
North Carolina	24	104,190	8.58%
North Dakota	2	11,793	.97%
Ohio	4	24,393	2.01%
Oklahoma	65	308,987	25.44%
Oregon	3	14,640	1.21%
Pennsylvania	2	21,540	1.77%
Rhode Island	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-
South Dakota	1	6,426	.53%
Tennessee	1	14,905	1.23%
Texas	5	20,958	1.73%
Utah	2	6,928	.57%
Vermont	-0-	-0-	-0-
Virginia	2	11,385	.94%
Washington	13	57,901	4.77%
Washington, D.C.	5	25,842	2.13%
West Virginia	1	6,770	.56%
Wisconsin	5	28,642	2.36%
Wyoming	-0-	-0-	-0-
Total	238	$1,214,385	100%

PART III

Activities of the National Advisory Council on Indian Education: Full Council Meetings, Committee Meetings, and On-Site Visitations

DATES AND LOCATIONS
OF
FIVE FULL COUNCIL MEETINGS
FISCAL YEAR 1978

1. Washington, D.C.	April 7–9, 1978
2. Billings, Montana	May 19–21, 1978
3. Washington, D.C.	August 24–26, 1978
4. Denver, Colorado	September 15–17, 1978
5. Tulsa, Oklahoma	November 30–December 2, 1978

Our Council attempts to provide all Title IV grantees an opportunity for participation and input into the educational policies which affect directly the lives of Indian children. In this regard, the Council schedules Council meetings in association with other National Indian Conferences held throughout the United States in order that a larger population of Indian people will be available for our Council meeting. Indian community input is additionally collected through field hearings hosted by our standing committees, and on-site visitations, by each of our fifteen Council members.

During the calendar year 1978, the National Advisory Council on Indian Education held five full Council meetings. The first meeting of the National Advisory Council on Indian Education was held in Washington, D.C. on April 7–9, 1978, and was closed for the purpose of our annual review of discretionary grant awards under Parts B and C of Title IV of the Indian Education Act as required by our Congressional mandate in P.L. 92–318.

The second Council meeting was held on May 19–21, 1978, at the Student Union of Eastern Montana College, located in Billings, Montana. It is significant to note the large number of special presentations made by Indian educators from throughout the United States, as well as a high number of Indian guests present.

The third Council meeting was held on August 24–26, 1978, in Washington, D.C. The business meeting which ensued saw the creation and acceptance of three standing committees, including: (1) an Executive Committee; (2) a Legislative, Rules, and Regulations Committee; and, (3) a Technical, Research, and Evaluation Committee. In addition, three task forces were created: (1) a Proposal Review Task Force; (2) an Annual Report Task Force; and, (3) a Government Inter-Agency Study Task Force (see: Appendix D). At this meeting, four new Council members were also sworn-in.

The fourth Full Council meeting was held September 15–17, 1978, in Denver, Colorado. Following the reports of all the standing committees, there was a full discussion of the criteria for the selection of a new Executive Director for the National Advisory Council on Indian Education. At this time a temporary Executive Director's Search Committee was also established.

The fifth and final full Council meeting of the National Advisory Council on Indian Education was held on November 30, 1978—December 2, 1978, in Tulsa and Muskogee, Okla-

homa. A large number of Indian guests, numbering nearly one hundred, were present at this Council meeting. Also in attendance were the following guests: Mr. Alan Lovesee, House Advisory Study Group on Indian Education; Mr. Vic Miller, Member of the President's Reorganization Project; Dr. Gerald Gipp, Deputy Commissioner, Office of Indian Education; Dr. Gabe Paxton, BIA, Muskogee Area Office; Mr. Sam Homan, Oklahoma State Department of Education; and, Dr. Dean Chavers, President, Bacone College. The primary activity at this Council meeting was the selection of the new Executive Director of the National Advisory Council on Indian Education. Therefore, part of the meeting was closed to the public for the purpose of conducting personal interviews with the finalists.

Two Full Committee meetings were held during the calendar year, including: (1) a meeting of the Government Inter-Agency Committee of the National Advisory Council on Indian Education on January 6–7, 1978, at our central office in Washington, D.C.; and, (2) a meeting of the Executive Director's Search Committee on November 10–11, 1978, in Denver, Colorado. This meeting was closed to the public in order to review applications for the position of the Executive Director of the National Advisory Council on Indian Education.

In addition, there were a number of on-site visits conducted by members of the National Advisory Council on Indian Education at various locations throughout the country, many of which were at the personal expense of the individual Council member.

The number of Full Council Meetings, Committee Meetings, and On-site Visitations which occur each year are directly related to our yearly budget appropriation. The Council has tried to continue and increase the tradition of Indian community participation by holding these three types of meetings in the field. However, our Council has been constrained financially in fulfilling its Congressional mandate due to a declining budget. In this regard, it is appropriate that we recall the fiscal history of the National Advisory Council on Indian Education from 1974 through 1978. Below is a summarization of the National Advisory Council on Indian Education funding level for the past five years.

Year	*Budget*
FY 1974	$232,800.00
FY 1975	$225,000.00
FY 1976	$230,000.00
FY 1977	$100,000.00
FY 1978	$150,000.00

The negative effects of the declining budget upon the functioning of our Council include a reduction in staff from an authorized level of four persons to two. Obviously, the total number of full Council Meetings, Committee Meetings, and On-site Visitations have been severely limited due to our declining budget. Overall, it is our observation that the organizational effectiveness of our Council has been severely constrained due to an absence of adequate funds necessary to complete our Congressional mandate.

In Fiscal Year 1977, it may be significant to recall that the National Advisory Council on Indian Education received "high marks" in a memorandum from the Annual Comprehensive Review of Advisory Committees made by the President, the Office of Management and Budget, and the Department of Health, Education, and Welfare (See: Appendix E).

It would certainly seem fair to assume that following this highly complimentary review, sufficient funds would be made available for the National Advisory Council on Indian Education to adequately implement the mandate of the Congress. Unfortunately, in FY 1978, our Council was awarded approximately 64% of our first appropriation awarded in FY 1974, our initial year of operation. Surely, our costs have not remained at a 1974 level, and most would agree that the inflationary spiral has further reduced our small budget. Our Council would very much appreciate the opportunity to spend our limited energies in pursuit of a "Quality Education" for Indian and Alaskan Native children throughout the United States, rather than to constantly concern ourselves with a request for additional funds. We hope that the Congress will act to remedy this serious problem.

Appendices

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APPENDIX A

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

FUNCTIONS

The Council shall advise the Congress, the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education with regard to programs benefiting Indian children and adults. More specifically, the Council shall:

1. submit to the Commissioner a list of nominees for the position of Deputy Commissioner of Indian Education;
2. advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92–318 and amended by P.L. 93–380), and with respect to adequate funding thereof;
3. review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92–318), and make recommendations to the Commissioner with respect to their approval;
4. evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;
5. provide technical assistance to local educational agencies and to Indian education agencies, institutions, and organizations to assist them in improving the education of Indian children;
6. assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81–874) as added by Title IV, Part A, of P.L. 92–318;
7. submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the

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Commissioner with respect to the funding of any such programs; and

8. be consulted by the Commissioner of Education regarding the definition of the term "Indian" as follows:

> Sec. 453 [Title IV, P.L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

APPENDIX B

TITLE IV—INDIAN EDUCATION

SHORT TITLE

SEC. 401. This title may be cited as the "Indian Education Act."

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 411. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

64 Stat. 1100.
20 USC 236.
79 Stat. 35.
20 USC 242.

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

Entitlement computation.

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under this subsection, with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment. The requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

Average per pupil expenditure.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the

sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

Non-local educational agencies.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the

purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

Reports.

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications. Application amendments.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a Limitations.

State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year, during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the

second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

(b) (1) The third sentence of section 103(a) (1) (A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior— 80 Stat. 1191; 81 Stat. 787; 84 Stat. 121; 20 USC 241c.

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2) (A) Section 103(a) (1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a) (3).". Supra. 79 Stat. 30; 81 Stat. 787; 84 Stat. 126; 20 USC 241e.

(B) The fourth sentence of section 103(a) (1) (A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972. Effective date.

(c) (1) Subsection (a) of section 5 of Public Law 874,

81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

64 Stat. 1106; 20 USC 240.

20 USC 238.

"(2) (A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 403(1).".

Ante, p. 334.

(2) (A) The Commissioner shall exercise his authority under section 425 of the General Education Provisions Act, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

Ante, p. 326.

64 Stat. 1100; 79 Stat. 27; 81 Stat. 811; 20 USC 236. "Indian lands."

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1) of Public Law 874, 81st Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

79 Stat. 55; 80 Stat. 1204; 81 Stat. 816; 84 Stat. 153; 20 USC 881.

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children

in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3) preference shall be given to the training of Indians. Inservice programs, Indians, preference.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used— Educational enrichment programs and services.

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psycho-

logical, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

Education personnel

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Indians, preference

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences. In carrying out the programs authorized by this subsection, preference shall be given to the training of Indians.

"(e) The Commissioner is also authorized to make grants to and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

Information dissemination

"(1) the dissemination of information concern-

ing education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children. Program evaluation.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall— Grants, application.

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions. Parental participation.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.". Appropriation.

84 Stat. 150.
20 USC 822.

(b) (1) (A) The third sentence of section 202 (a) (1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

84 Stat. 151.
20 USC 842.

(B) The third sentence of section 302 (a) (1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

84 Stat. 178.
20 USC 1412.

(C) Clause (B) of section 612 (a) (1) of Public Law 91-230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

20 USC 821, 841.
20 USC 1411.

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91-230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

84 Stat. 159.
20 USC 1201 note.

SEC. 431. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of

opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaulation of the effectiveness of the project in achieving its purposes and those of this section.

Tribal participation; Indians, priority

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner

shall give priority to applications from Indian educational agencies, organizations, and institutions.

Appropriation.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

PART D—OFFICE OF INDIAN EDUCATION

OFFICE OF INDIAN EDUCATION

Establishment.

SEC. 441. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

Ante, p. 334.

Ante, p. 339.
Ante, p. 342.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

Deputy Commissioner of Education.
80 Stat. 467; 81 Stat. 624.
5 USC 5332 note.
84 Stat. 1955.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

National Council, establishment.

SEC. 442. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the devel-

opment of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

Ante, p. 334.
Ante, p. 339.
Ante, p. 342.

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303 (b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

Ante, p. 333.

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

Annual report to Congress.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

Contract authority.

(d) From the sums appropriated pursuant to section 400 (c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act

Ante, p. 326.

and for part D of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

81 Stat. 83. 20 USC 1098b.

SEC. 451. (a) Section 503 (a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

81 Stat. 91; 82 Stat. 1040; Ante, p. 285. 20 USC 1119.

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section preference shall be given to the training of Indians.".

Indians, preference.

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

84 Stat. 152. 20 USC 880b–3a. Local educational agency status.

SEC. 452. Section 706 (a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a non-profit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

SEC. 453. For the purposes of this title, the term

"Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian". "Indian."

PART C—INDIAN EDUCATION

EXTENSION OF PROGRAMS FOR THE EDUCATION OF INDIAN CHILDREN

SEC. 631. (a) Section 810(g) of the Elementary and Secondary Education Act of 1965 is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1978".

86 Stat. 339.
20 USC 887c.

(b) Section 303(a) (1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by the Indian Education Act, is amended by striking out "July 1, 1975" and inserting in lieu thereof "July 1, 1978,".

86 Stat. 335.
20 USC 241bb.

(c) The amendments made by this section shall be effective on and after July 1, 1973.

Effective date.
20 USC 887c note.

REVISION OF PROGRAMS RELATING TO INDIAN EDUCATION

SEC. 632. (a) Section 810(f) of the Elementary and Secondary Education Act of 1965 is amended by inserting after the third sentence the following new sentence: "The Commissioner shall not approve an application for a grant under subsection (b), (c), or (d) unless he is satisfied that such an application, to the extent consistent with the number of eligible children in the area to be served who are enrolled in private nonprofit elementary and secondary schools whose needs are of the type which the program is intended to meet, makes provision for the participation of such children on an equitable basis.".

86 Stat. 339.
20 USC 887c.

(b) Section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "5 per centum" and inserting in lieu thereof "10 per centum".

(c) Part B of the Indian Education Act is amended by adding at the end thereof the following new sections:

86 Stat. 335.
20 USC 241bb.
86 Stat. 339.
20 USC 821 note.

"SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR TEACHERS OF INDIAN CHILDREN

"SEC. 422. (a) The Commissioner is authorized to make grants to and enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for the purpose of preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian children and to provide in-service training for persons teaching in such programs. Priority shall be given to Indian institutions and organizations. In carry-

20 USC 887c-1.

ing out his responsibilities under this section, the Commissioner is authorized to award fellowships and traineeships to individuals and to make grants to and to enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for cost of education allowances. In awarding fellowships and traineeships under this section, the Commissioner shall give preference to Indians.

"(b) In the case of traineeships and fellowships, the Commissioner is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

"(c) There is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1975, and for each of the three succeeding fiscal years to carry out the provisions of this section.

"FELLOWSHIPS FOR INDIAN STUDENTS

"SEC. 423. (a) During the fiscal year ending June 30, 1975, and each of the three succeeding fiscal years, the Commissioner is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not less than three, nor more than four, academic years leading toward a professional or graduate degree in engineering, medicine, law, business, forestry and related fields. In addition to the fellowships authorized to be awarded in the first sentence of this subsection, the Commissioner is authorized to award a number of fellowships equal to the number previously awarded during any fiscal year under this subsection but vacated prior to the end of the period during which they were awarded, except that each fellowship so awarded shall be only for a period of study not in excess of the remainder of the period of time for which the fellowship it replaces was awarded, as the Commissioner may determine.

20 USC 887c–2.

"(b) The Commissioner shall pay to persons awarded fellowships under this subsection such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(c) The Commissioner shall pay to the institution of higher education at which the holder of a fellowship under this subsection is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Commissioner may determine to cover the cost of education for the holder of such a fellowship.".

Effective date.
20 USC 887c note.

(d) The amendments made by this section shall be effective on and after July 1, 1974.

APPENDIX D

COMMITTEE MEMBERS TO AUGUST 1978

Executive Committee
Thomas A. Thompson (Blackfeet)
Dr. Will Antell (Chippewa)
Theodore George (Clallum)
Ellen Allen (Kickapoo)
Donna Rhodes (Creek)

Government Inter-Agency Committee
Thomas A. Thompson (Blackfeet)
Paul Platero (Navajo)
Dr. Will Antell (Chippewa)
Patricia McGee (Yavapai)
Linda Belarde (Tlingit)
Ellen Allen (Kickapoo)
Joe Abeyta (Pueblo)
Calvin Isaac (Choctaw)
Earl Oxendine (Lumbee)

Technical Assistance, Research, and Evaluation Task Force
Theodore George (Clallum)
Linda Belarde (Tlingit)
Thomas A. Thompson (Blackfeet)
Donna Rhodes (Creek)
Minerva White (Mohawk)
David Risling (Hoopa)

Legislative, Rules, and Regulations Committee
David Risling (Hoopa)
Wesley Bonito (Apache)
Donna Rhodes (Creek)
Theodore George (Clallum)
Minerva White (Mohawk)
James Sappier (Penobscot)

Proposal Review Task Force
Ellen Allen (Kickapoo)
Linda Belarde (Tlingit)
Paul Platero (Navajo)
Calvin Isaac (Choctaw)
Wesley Bonito (Apache)
Earl Oxendine (Lumbee)

Annual Report Task Force
Patricia McGee (Yavapai)
Dr. Will Antell (Chippewa)
James Sappier (Penobscot)

COMMITTEE MEMBERS AFTER AUGUST 1978

Executive Committee
Viola G. Peterson (Miami)
Calvin Isaac (Choctaw)
Earl Oxendine (Lumbee)
Donna Rhodes (Creek)
Patricia McGee (Yavapai)

Government Inter-Agency Study Task Force
Lionel Bordeaux (Sioux)
Fred Bigjim (Eskimo)
Wesley Bonito (Apache)
Paul Platero (Navajo)
Thomas A. Thompson (Blackfeet)
David Risling (Hoopa)

Technical Assistance, Research, and Evaluation Task Force
Donna Rhodes (Creek)
Theodore George (Clallum)
Thomas A. Thompson (Blackfeet)
Maxine Edmo (Shoshone-Bannock)
Ellen Allen (Kickapoo)
David Risling (Hoopa)

Legislative, Rules, and Regulations Committee
David Risling (Hoopa)
Wesley Bonito (Apache)
Theodore George (Clallum)
Earl Oxendine (Lumbee)
Minerva White (Mohawk)

Proposal Review Task Force
Calvin Isaac (Choctaw)
Lionel Bordeaux (Sioux)
Maxine Edmo (Shoshone-Bannock)
Ellen Allen (Kickapoo)
Viola Peterson (Miami)
Paul Platero (Navajo)
Donna Rhodes (Creek)
Wesley Bonito (Apache)

Annual Report Task Force
Patricia McGee (Yavapai)
Minerva White (Mohawk)
Fred Bigjim (Eskimo)
Paul Platero (Navajo)

APPENDIX E

In March of 1977, the President, Office of Management and Budget, and the Secretary of the Department of Health, Education, and Welfare issued a memorandum and instructions concerning the annual comprehensive review of advisory committees.

> "The President instructed that all committees were to be recommended for continuation only if a compelling need could be demonstrated, if the committee conducted its business openly, and if a balanced membership on the committee were in fact the case. OMB's Circular A–63 further instructed that the evaluation of each committee must determine whether the committee was carrying out its functions, whether the functions could be revised, whether it could be merged with other groups, or lastly, whether the committee should be terminated. In addition, the review this year offered the citizenry opportunity to comment on the future of each committee according to the established criteria. Unlike many of HEW's advisory committees, OE's committees do not by law review grant applications. The single exception is the National Advisory Council on Indian Education."

The following is an extract of the OE's evaluation of the National Advisory Council on Indian Education. The Department recommended that the National Advisory Council on Indian Education be continued unchanged and stated:

> "The National Advisory Council on Indian Education (Tab N) is unique among OE's groups, in that it is the only grant-reviewing committee, making recommendations to the Deputy Commissioner for Indian Education, who is the final awarding official. The Council also has an unusual legislated responsibility to select the slate of candidates for the position of Deputy Commissioner for Indian Education, from which the Commissioner makes a selection. Another unique characteristic of the Council is that it is entirely composed of a minority population—Indians—as required

by law. The members of the council represent tribes from across the entire country, including Alaska, urban and rural Indians, reservation and nonreservation Indians. Public participation in the Council meetings is outstanding, since the Council normally reserves up to one full day of its meetings for public presentations. Following the practice of varying its meeting locations in all geographic areas with significant Indian populations, opportunities otherwise not available have been afforded to Indian community members to give their views on education for Indian children and adults.

"The recommendations of the Council have reflected the needs and desires of local Indian communities in education. Their recommendations have been incorporated into our regulations, program priorities, budget requests and the general administration of the Indian Education Act.

"In view of the special historical relationship between the Indian tribes and the Federal Government and in accordance with the proposed Bureau-related structure and the established criteria, I recommend that the National Advisory Council on Indian Education be continued."

The review of advisory councils and recommendations from the OE were forwarded to the Department of Health, Education, and Welfare and its recommendation concurred with the OE to continue the National Advisory Council on Indian Education intact. The Department of Health, Education, and Welfare's recommendation is as follows:

"Likewise, the National Advisory Council on Indian Education is unique among OE's groups, in that it is the only grant-reviewing committee, making recommendations to the Deputy Commissioner for Indian Education, who is the final awarding official. The Council also has an unusual legislated responsibility to select the slate of candidates for the position of Deputy Commissioner for Indian Education, from which the Commissioner makes a selection. Another unique characteristic of the Council is that it is required by law. The members of the council represent tribes from across the entire country, including Alaska, urban and rural Indians, reservation and nonreservation Indians."

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THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION*

Presidential Appointees

Mr. THOMAS A. THOMPSON, *Chairperson*
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Browning, MT 59417

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Superintendent
All Indian Pueblo Council
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Albuquerque, NM 87107

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Title IV Director
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Powhattan, KS 66527

Dr. WILL ANTELL, Chippewa
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Executive Director
Kiowa/Comanche

Ms. MARGO KICKINGBIRD
Administrative Assistant
Kiowa

Ms. MARIETTA HILL
Secretary
Seneca

Presidential appointments are made not to exceed a three-year term

* *Attention*: Please note that all Council Officers and Committee and Task Force Assignments changed after August, 1978 (see Appendix D). Also, a new Executive Director, Dr. Michael P. Dorris, Crow, was employed on January 29, 1979.